

Morrison, Fabian

# **EXHIBIT**

## **A**

Morrison, Fabian

October 16, 2017

Honorable Alison J. Nathan

United States District Court

40 Foley Square

New York, NY 10007

Re: U.S. v. Fabian Morrison

Dear Judge Nathan:

The following is a Pre-Sentence Report prepared at the request of counsel, Peter Quijano, on behalf of his client, Fabian Morrison. This report is offered, not as an excuse for Fabian's actions, but rather as a vehicle for examining the psycho-social forces that helped to shape his development and contributed to some of the choices that he has made.

In conducting this investigation, interviews were done with Mr. Morrison, his mother, Lola Curtis; his father, Anthony Morrison; his girlfriend, Dominique Grant; a former girlfriend and mother of his son's mother, Nadia Black as well as his stepmother, Allison Delaney. Additionally, the following records were reviewed: School records from Immaculate Conception Catholic School; Education records from NYC Department of Education; School of Cooperative Technical Education; Wings Academy; GED Certificate; Montefiore Medical Center, Wakefield; MDC Brooklyn Education Department Certificate in Resume Writing; MDC Recreation Department, Certificate of Completion in Cardio Training; MDC Brooklyn Recreation Department, Certificate of Completion of Health Program. The Pre-sentencing Report prepared by the Government.

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### **Introduction**

Fabian Morrison is a 28-year-old African American male of Jamaican descent. He is in custody that the Metropolitan Detention Center (MDC) in Brooklyn where he awaits sentencing after pleading guilty to Racketeering Conspiracy and Assault on a Federal Officer. During interviews for this report he expressed concern about the wellbeing of his young children and his mother. He appeared consumed with the need for a close relationship with his children. This is extraordinary, given that he lacked a positive relationship with his father. The absence of a relationship with his father had a profound impact on him emotionally and socially. He credits his mother for trying to compensate for his father's absence, but acknowledges that his development still suffered harm because his mother's educational and career goals impeded a structured and supportive environment for his development.

### **Family History**

Fabian Morrison was born on October 1, 1989, to the union of Lola Cutis and Anthony (Tony) Morrison. He is the only child born to his parents' union. Fabian's mother, Lola, is a registered nurse employed at North General Hospital in the Bronx. She has been employed for 27 years. "I was working at the hospital as a volunteer even before Fabian was born" she remarked. Fabian's father, Anthony, reports that he worked in construction and is currently self-employed. Both Lola and Anthony were born and raised in Jamaica but they met in the United States.

Lola was born on August 14, 1954; the only child born to the union of George Curtis and Ethlyn Campbell. Lola grew up with her father's family because her mother, Ethlyn, was unable to raise her. Ethlyn was 14 years old when she gave birth to Lola and lacked support. Lola recalls being told that she was a baby when her father took her from her mother and put her in the care of his relatives. Lola reportedly heard that she was dirty and disheveled when her father took her from her mother. She was further told that her mother was barred from seeing or contacting her. Her caretakers would threaten or chase away her mother. She was 19 years old when she first met her mother.

Lola had an unhappy childhood due to maltreatment by caregivers. Her most vivid memoirs of the maltreatment started at 5 years old when she was returned to her father. By then her father was living with his wife and his children from the marriage. Lola recalls that up until 5 years old she was living with her great grandmother who took care of her. However, her life changed when her great

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grandmother became ill and could no longer care for her. Lola recalls that she was dropped off “with a box of her clothes” at the gate of her father’s home. She soon discovered that her father did not want her back but felt forced to take her because she had nowhere else to go. She suffered years of physical, verbal, and mental abuse in her father’s home. the abuse came from her both her father and her stepmother, Una Phillips-Curtis.

According to Lola, her father and stepmother beat her mercilessly. She was beaten for any perceived infraction, which left no doubt in her mind that she was the unwanted outside child. Apart from the beatings, Lola was forced to “work like a slave” for the benefit of her half siblings and her stepmother and father. She became emotional as she talked of the abuse, saying that it pains her to remember how horribly she was treated.

The only kind face Lola recalls seeing was that of her grandmother, Doris McKay Curtis. Grandmother Doris lived in the United States but would visit Jamaica occasionally and, on such visits, interacted with Lola. In recalling Doris’ visits, Lola said “she treated me with kindness.” Lola added that her abuse came to her grandmother’s attention. This prompted her grandmother to petition for her to migrate to the United States. Lola, with the help of her grandmother, stayed with relatives in Canada while US immigration authorities processed the petition made on her behalf. When the immigration petition was approved, Lola joined her grandmother in New York. “My grandmother saved my life,” Lola remarked.

It was in 1972 that Lola joined her grandmother in Brooklyn, New York. She saw her grandmother as a role model, particularly as an example of achievement through hard work and prudent use of money. Lola said her grandmother helped her to gain, for the first time, a sense of worth and opportunity to succeed. Lola graduated from Canarsie High School and then went to Bronx Community College to do courses in surgical medicine, EKG technician, and eventually for a degree in Nursing.

Lola indicated that perhaps the happiest time in her life was when she lived with Anthony ‘Bunny’ Folks. Reportedly, Bunny provided security at an after-hours club that he and Lola operated. Though their union did not produce children, Lola related that Bunny was the love of her life and they envisioned a long life together. Her happiness was shattered one night when Bunny was shot to death at the club. She recalls that Bunny was in the front of the club, and she was in the back, when he was

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shot to death.

Lola indicated that she never recovered from Bunny's death, though she tried to move on with her life. After Bunny's death, she eventually closed the club and returned to college. Also, she became involved with Anthony Ewan Morrison, Fabian's father. She and Anthony met through mutual friends. "He was a decent guy but he was a ladies' man," Lola remarked. She and Anthony lived together for three years before Fabian was born.

Anthony, Fabian's father, was born on November 24, 1949, in the parish of St. Elizabeth, Jamaica. He is the second of two children born to the union of Jenetta Brown and Ehud Morrison. His older sibling is Sylvia Morrison. Anthony's parents left him to go overseas when he was very young. His father migrated to England and his mother went to the Bahamas. His paternal grandparents, Hezekiah and Cecelia Morrison, raised him. Anthony said his grandfather, Hezekiah, was a pastor and farmer who provided him with a good childhood. However, the abandonment by his father left a void in his life. He was 3 years old when his father left to join a girlfriend in England. His father never returned to see him. The only thing his father sent for him from England was a neck tie. Anthony recalls that his grandfather noticed that a shirt was not sent with the neck tie, and then quipped that maybe Anthony should be hung with the neck tie.

Anthony was educated up to the 6<sup>th</sup> grade, after which he received vocational training in welding/metal work. He worked in Jamaica up until his early thirties, when he migrated to the United States. He blames political violence in Jamaica for his decision to migrate. "I would be in the same position as my son if I didn't leave Jamaica," Anthony remarked. According to Anthony, he worked for some Italians in construction when he came to the United States, and then he became self-employed.

In the mid-1980s, Anthony and Lola met at an after-hours club in the Bronx, across from the 47<sup>th</sup> Precinct. They interacted as friends before they became romantically involved. Anthony confirmed that he and Lola started dating after she lost Bunny. He said Bunny's death devastated Lola, and so she found it difficult to maintain another relationship. "Lola never got over Bunny's death," Anthony emphasized.

Lola remained aggrieved over Bunny's death despite her relationship with Anthony. She said: "I was devastated but there was no therapy or mental health. I just focused on school and work. I buried

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it for over 30 years and never talked about it.” Anthony expressed that Lola’s feelings led to the break-up of their relationship. He noted a continuous deterioration in their relationship, beginning when she was pregnant with Fabian.

### **Early to Middle Childhood**

In reflecting on her pregnancy, Lola said she was almost 35 years old and desperate to have a child. She had been unable to get pregnant for several years and would “beg God” to allow her to have a son. “Fabian was my gift from God” she stated tearfully. She indicated that Fabian was born healthy and he achieved his developmental milestones within the average range. However, she was concerned that as Fabian got older he would face certain challenges. Her concern stemmed from her inability to spend as much time nurturing and supervising Fabian as she should. Furthermore, she cited that Fabian’s ability to thrive was affected by the lack of support from his father, Anthony.

According to Lola, she was more excited than Anthony was when she gave birth to Fabian. Anthony already had a daughter in Jamaica, Lola remarked, and he did not appear enthused to have another child. She said Anthony resented having to contribute more when Fabian was born. Anthony wanted to drink and gamble with his friends rather than helping to support Fabian, Lola said. She recalls that Anthony did not even want to babysit Fabian while she was at work. She was the primary income earner, and so she expected Anthony to stay with Fabian so she could go to work. She noted that Anthony’s irresponsible behavior put the baby at risk.

On one occasion Lola came home from work and discovered that Anthony and the baby were missing. She went to one of Anthony’s drinking and gambling joints in search of the baby. She found the baby alone in the car and Anthony at the gambling table. “That was the last straw,” Lola said. “I took my child and told Anthony never to come back to the house.” Despite Lola’s remarks, she and Anthony continued to have an “on and off” relationship. She explained that Fabian needed a dad in his life, and so she kept giving Anthony “second chances.” She said, however, that the relationship eventually ended for good when she realized Anthony was cheating on her.

Fabian’s interactions with his father often made him feel forsaken. He does not recall his dad ever hugging him. He surmised that his father did not know how to be a dad. He cherished whatever time his father gave him, but such moments also came with emotional conflict and physical and social

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risks. The places his father took him made him feel unsafe. His father took him to bars, gambling spots, and the homes of various women. There were times Fabian feared he was going to die, especially when his father drove drunk. One of Fabian's earliest memories is of being traumatized one night as his father drove him home. Said Fabian: "He was going about 120 mph and I was in the front seat. I was crying begging him to stop because I thought we were going to crash."

Another outstanding memory for Fabian is the maltreatment from one of his father's girlfriends, named Heather. "She hated me," Fabian remarked. He recalls that Heather locked him in a room as punishment and she refused to let him go outside and play. Fabian noticed that while Heather was quick to punish him, she did not mistreat her own son, Tariq. According to Fabian, his father seemed powerless to speak up for him at Heather's home. After a while he refused to go to Heather's house to spend time with his father. He recalls that his father promised to visit him several times, but those were empty words. "I'd be waiting for hours for him to come but he would never show up," Fabian recalled.

Lola admitted that she struggled to take care of Fabian on her own. An immediate challenge was her inability to give Fabian the nurture and supervision he deserved. She worked long hours, and was usually too tired when she arrived home to tend to Fabian's needs. She said her jobs as an EMT, an EKG technician, and a nursing aide were very demanding. In addition to her work, she was intent on pursuing colleges courses to become a registered nurse. With no assistance from Anthony, and lacking funds to hire a babysitter, Lola took Fabian with her to class at Bronx Community College. "I was taking him with me from he was in the car seat to the stroller and he would sit there quietly," she recalled.

Lola blames herself for Fabian's difficulties because her jobs kept her away from home. Even after she became a registered nurse, she also worked as an EMT. Lola added that she put in a lot of overtime. She emphasized that she needed the extra income because of the lack of support from Fabian's father, Anthony. Despite her hard work, Lola emphasized she could not afford to hire a babysitter when Fabian reached school age. She admitted to leaving Fabian at home alone, saying she did not have a choice.

"Fabian was a latch-key kid from he was about 8 – 9 years old," Lola said. She recalled that her greatest fear when she left Fabian alone was that he could accidentally start a fire. "I worried about that constantly," she remarked. She would rush home during her lunch hour to check on Fabian. Also, she would call and, after 3 rings, she would hang up then call again. This was to let Fabian know she was

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calling to check on him. "That went on for years," she said.

Fabian remembers the latch-key kid years. He expressed that his mother must have been preparing him to be a valuable helper to her. He recalled that his mother taught him to clean, cook, wash, and iron early in his childhood. The notion of being his mother's helper gave him some consolation. He also sought comfort in the belief that his mother was making a sacrifice for his benefit. Lola confirmed that Fabian was a "great help" to her. "He's the best son a mother could ask for," she remarked. "He'd wash and iron my uniform, cook for me, clean up, everything that needed to be done around the house." Lola said she also depended on Fabian to sort the trash so that regular garbage and recyclables were disposed of properly. "I couldn't ask for more from him," she said.

Fabian remarked that there was a special bond between him and his mother. That bond felt fashioned not only in the role of his mother's little helper, but also by a feeling of shared trauma. Fabian said his mother shared with him the abuses she suffered as a child in Jamaica. He was 9 years old when his mother sat him down and imparted stories of her childhood. "It hurt my heart to hear what she went through" Fabian said. As his mother told him about her suffering, he felt obligated to demonstrate support for her. "I knew it was just me that she had." And he felt she was all he had.

### **Missing Father**

Fabian expressed that his father's absence gravely disturbed him. He recalls that his parents tried to reconcile several times without success. He felt his parents tried to reunite because they wanted him to grow up in a two-parent home. "My mom did not know how to raise a boy," Fabian remarked. He felt burdened as an only child and the only male in the home. He yearned for a father who could relate to him and, increasingly, he wished for a big brother. The fact that he spent so much time alone at home depressed him. "I had to learn to be my own big brother," he said.

At age 11, Fabian felt pressure to become the "Man of the House." This pressure coincided with the realization that his parents' attempts at reconciliation had failed. Furthermore, it was clear his father would not return to the home. A maternal uncle, Fonso, stayed with the family for a few months, but he did not play a constructive role in Fabian's life. Fabian said his uncle was a "pathetic drunk."

According to Fabian, he grew up feeling more like a partner to his mother than a son. He felt obligated to ensure that his mother was okay, even though he was the one who needed attention.



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Fabian suggested that his mother used harsh disciplinary methods sometimes when she wanted him to act in accordance with her wishes. He did not explain what those disciplinary measures were, but said he learned to accept such measures as a sign his mother cared about him. Fabian recalled that his mother also took him on her vacation trips, as if she was trying to make up for the lack of regular interaction throughout the year.

Lola acknowledged that, because of her work, she failed to give sufficient attention to Fabian's needs. She admits to taking Fabian with her on vacation trips to Jamaica to try and compensate for not giving him enough supervision. Fabian indicates, however, that the trips could not substitute for the countless times he felt alone and without a family. Those trips added to the stress, as Fabian would return home to find that his mother still had no time for him. Furthermore, the trips retriggered traumatic feelings associated with Lola's stories about how badly her family treated her in childhood. Fabian related that his mother's siblings were supposed to be his aunts and uncles, but they did not accept her and they did not accept him.

Fabian said his mother also tried to compensate by teaching him how to drive. He was 13 years old when his mother taught him how to drive. Soon he was driving her car while she slept, which increased his risk of getting into trouble. Lola admits that the things she gave Fabian could not satisfy his need for age appropriate interaction and support. She recalled, for instance, that Fabian was a skillful basketball player in school, but she was too busy to attend his games and his father never went to see him play. "The one time I went to his game I fell asleep. I was tired," she remarked. She noted that Fabian was "very hurt" by the lack of support, and so he gave up playing basketball.

Fabian admitted that his parents' lack of support swayed him to stop playing basketball. He remarked: "I never said anything because I don't want my mom to feel bad. I knew she had to work." He recalls that his mother worked from 11 P.M. to 3 P.M. (16 hours), seven days per week, and she slept during her off hours. "I had to wake her up for work" he recalls. As such there was no supervision at home. Given that his mother owned the home in which they lived, Fabian also had his own living quarters in the basement, which allowed him to entertain his friends outside of his mother's supervision or attention.

Fabian's feelings affected his education and lowered his chances of achieving his goals. Reportedly, Fabian's performance steadily declined after his transfer from private Catholic School to

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public school in the 3<sup>rd</sup> grade. Concern about his school performance took a significant turn in the 6<sup>th</sup> grade. He was acting out, showing academic delays, and failing his subjects in the 6<sup>th</sup> grade. His mother conferred with staff at Fabian's school, MS 144, and consented for him to be referred for evaluations. As part of the process, a school social worker assessed Fabian's history. The social worker's report, June 8, 2001, indicated Fabian's mother worked full time on the evening shift, and so a downstairs neighbor was supposed to care for Fabian while his mother worked.

In the social worker's report, Fabian's mother described him as moody. She also indicated to the social worker that Fabian was hyperactive when he attended Catholic school, from kindergarten to the 3<sup>rd</sup> grade, but his behavioral problems began when he was enrolled in public school (PS 103) in the 4<sup>th</sup> grade. The social worker's report indicated that when Fabian entered the 6<sup>th</sup> grade at MS 144, his behavioral difficulties became worse.

#### **Emotional Disturbance Diagnosis**

In June 2001, at age 11, Fabian was diagnosed emotionally disturbed. The evaluation found, among other things, that Fabian had a "great deal of anxiety, poor ego boundaries, and feelings of inadequacy and insecurity." Based on Fabian's responses on projective testing, the school psychologist also noted feelings of withdrawal, guilt and/or discouragement, and difficulty navigating his environment. Fabian's emotional issues were assessed as interfering with his ability to function at an optimal level in the classroom and to perform academically. An evaluation of his educational functioning, also conducted in June 2001, corroborated Fabian's academic weakness.

The 2001 psychological evaluation included IQ testing, which yielded scores in the average range of intellectual ability. The IQ test administered was the Wechsler Intelligence Scale for Children – III (WISC-III). Fabian registered a Full-Scale IQ of 91, based on an average of his Verbal IQ score of 98 and his Performance IQ score of 84. The school psychologist cited the 14-point discrepancy between verbal IQ score of 98 and his Performance IQ score of 84 as significant. This was interpreted as indicating that Fabian's preferred to learn through language based/auditory means rather than visual-perceptual means.

Based on his scores on the verbal subtests, Fabian indicated certain relative strengths and weaknesses. Strengths included verbal comprehension (able to accurately define certain words),

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identifying relationships between two-things (e.g. rubber-paper). Weaknesses included difficulty answering general knowledge questions (e.g. in what direction does the sun set?), solving one or two-step word problems in his head without the use of paper and pencil – he often made “careless calculation errors.” Furthermore, a concern was Fabian’s speech, which tended to be at a “quick pace, resulting in garbled verbalizations.” On the performance subtests of the WISC-III, Fabian showed weakness in his ability to determine essential from non-essential details.

Of note, too, was that Fabian’s visual-motor integration skill was below age expectancy in 2001. This was measured using the Koppitz Scoring System/Bender-Gestalt test. The school psychologist noted that Fabian’s Bender Gestalt reproductions had an error of distortion of shape. According to the school psychologist’s findings, Fabian execution of the tasks (though organized) was with “signs of outward anxiety.” He would engage in “excessive erasing and reworking of the figures.” It was noted that Fabian spent “a great deal of time” attempting to perfect the figures, but the end results were “less than perfect.”

Based on the 2001 evaluation, the school psychologist suggested that Fabian receive counseling in school and outside therapeutic counseling. It was suggested by the school psychologist that Fabian required a full-time small group class that addresses his academic and social/emotional needs. Another suggestion was for classroom instruction to emphasize the use of language based/auditory methods of learning.

In June 2001, the finding of emotional disturbance made Fabian eligible for special education services. Fabian was scheduled for placement in a small group special class with a ratio of 12:1 (12 students to 1 teacher). In addition, he was to receive individual counselling and group counseling (no more than 5 students) once per week.

The scheduled initiation of special education placement and services was for September 2001, after Fabian’s transfer to another school, MS 142. The records fail to indicate whether the identified services would include outside therapeutic counseling, as the school psychologist had also suggested. Furthermore, the records suggest that Fabian’s mother took issue with Fabian’s school placement and initially refused consent for his special education placement. This apparently delayed or cast doubt on the effective implementation of services.

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Follow up evaluations were conducted in May and June 2002 respectively, a year after the initial evaluations. At the time, Fabian as in the 7<sup>th</sup> grade and had shown little to no improvement in his socio-emotional and academic functioning in school. Another issue cited during a May 2002 educational evaluation was absences and tardiness. The educational evaluator noted (5/28/2002) that Fabian had been absent from school 20 days and late 49 times. The educational evaluator noted that Fabian was failing all his classes except for English and Physical Education. The educational evaluation found that Fabian's relative learning strength was in receptive vocabulary. His relative learning weaknesses included oral expressive language skills, expressive vocabulary, word knowledge skills, and reading comprehension skills. The evaluation also identified "relative learning deficits" such as written expressive language skills, listening comprehension skills, and math concepts and skills.

The educational evaluator noted in 2002 that Fabian appeared distracted, unfocused, and careless during testing. The evaluator noted Fabian as expressing that other children caused him problems and that he might need extra help in math. According to the educational evaluator, Fabian appeared distractible, unfocused and careless in his approach to tasks. In addition, however, it was found that Fabian was able "most of the time" to conform to structure and limit setting. It was noted that Fabian "responded positively" to reassurance, encouragement, and praise," and that he worked better in a one to one setting than independently. The evaluator recommended that Fabian would benefit from a "very structured learning environment" with structured lessons in a class setting capable of addressing his academic and behavioral difficulties. It was further indicated by the evaluator that within the recommended class/learning environment, Fabian has the potential to "significantly improve" is academic performance.

A psychological re-evaluation, on June 3, 2002, also led to a conclusion that Fabian needed a small program that could address his academic and emotional/behavioral difficulties. The psychological re-evaluation reaffirmed the earlier evaluation (6/8/2001) that Fabian's emotional disturbance was interfering with his ability to learn.

During the 2002 psychological re-evaluation, the Stanford-Binet Intelligence Scale, Fourth Edition was administered to Fabian. His composite score on the IQ test was 81, which the school psychologist stated was in the low average range. It was noted that on the vocabulary skills subtest Fabian scored 114, which was in the high average range and indicated higher cognitive potential than his

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overall performance. It was also noted, however, that Fabian's ability in certain areas was in the range of "slow learner." Areas where he was found to be slow included an ability for deductive reasoning, short term memory, and his memory for sentences. His ability to recall visual patterns was in the "deficient range." Furthermore, based on his performance on the Bender-Gestalt test and the Stanford-Binet, his eye-hand control was found to be "immature."

A school social worker interviewed Fabian's mother, as part of the re-evaluation process in 2002. Among other things, the school social worker noted that Fabian was supposed to wear eyeglasses for reading but that the glasses were broken. The school social worker noted other possible health related issues such as Fabian was delivered through C-section because of fetal distress, he had a history of ear infection in infancy<sup>6</sup>, and that he is a "picky eater." His mother, however, indicated to the school social worker that Fabian was in good physical health and that he has a positive relationship with both parents. She related that Fabian continued to do chores at home including cleaning the cat's litter box, washing dishes, and cleaning his room. The school social worker did indicate that Fabian's difficulties in school remained a concern for his mother. His mother's concern included Fabian's ability to control his emotions, such as when he became upset, though she related to the school social worker that Fabian also showed the ability to apologize when he is wrong. The school social worker noted further that Fabian's mother expressed concern about his choice of friends.

A year later, in May 2003, Lola requested that Fabian be re-evaluated because she wanted Fabian returned to a general education class without related services. She expressed to the school social worker that Fabian had improved in his school work and in his behavior and how he handles his problems. She informed, for instance, that Fabian was listening better, would come to her with concerns, and that she was pleased with his choice of friends.

Two records of Individualized Education Program (IEP) were prepared for Fabian, dated May 27, 2003. One IEP still had him classified as emotionally disturbed and in a special class with related services. That IEP was projected to endure for one month until June 23, 2003. The other IEP removed the emotional disturbance classification, instead classifying him as non-handicapped, and returned him to general education with no services. His return to general education was scheduled to begin on September 1, 2003. According to the latter IEP, Fabian had made progress in his behavior and in his academic performance. He was described as "generally well behaved," trying to "demonstrate his

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own self-control,” and showing “greater motivation.”

At the time of Fabian’s return to general education in 2003, and the withdrawal of services, Fabian was 13 years old and in the 8<sup>th</sup> grade. During interviews for this report, Fabian indicated that although he was motivated to improve his performance, the lack of consistent structure and guidance continued discourage him. He continued to struggle with feelings such as anxiety, sadness, and isolation, primarily stemming from long term deprivation of the attention he needed at home.

#### **Victim of Bullying / Exposure to Delinquent Behavior**

Fabian felt susceptible in an environment fraught with hostile interactions. During childhood, he was targeted for bullying and harassment in the neighborhood. The bullying reportedly started after his transfer from Catholic private school to public school. He attended the Catholic School from age 3 to age 8, and felt safe there. The shift to public school was thus a shock to him. Further stoking his anxiety was the impression that his transfer to public school signaled another round of upheaval in the home. He recalls that his mother was having financial difficulties and was struggling to pay her mortgage. At that time, Fabian began to pay closer attention to an environment he no longer felt protected from.

An incident that stood out for Fabian was when a group of boys beat him up and robbed him. After the incident, his father got hold of one of the bullies and “beat the shit out of him and left him on the ground.” Fabian said he was troubled when his father beat up the kid, but he also felt “for the first time” that he had a father to protect him. “That was the one time I felt my dad was in my corner,” Fabian recalls.

Anthony confirmed that he confronted one of the bullies who had attacked Fabian. He also recalls instructing Fabian not to allow another kid to bully and rob him. In keeping with his father’s instruction, Fabian said he had to learn to fight and defend himself. He also felt forced to adjust to a neighborhood, and public school system, where survival appeared to hinge on his ability to defend himself.

Fabian reported also that he was introduced to marijuana use at 13 years old. According to Fabian, his use of marijuana started when the realization finally hit him that his father was never coming back to live with him. He said his mother would give him \$10.00 per day for school, but he would use

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half of the money to buy weed each day. One day his mother smelled marijuana on his clothing, and in his room, after which she stopped giving him his daily allowance. When his mother stopped giving him money, the older men in the community would give him weed to smoke and sell. He said his exposure to marijuana contributed to much of his teenage problems.

### **Police Harassment**

While enrolled in public school, Fabian resided with his mother on Laconia Avenue in the Bronx, which is close to the 47<sup>th</sup> precinct. Fabian was on the precipice of adolescence when Lola purchased her home on Laconia Avenue. Lola said Fabian became a target of police harassment and racial profiling. Anthony echoed Lola's sentiments about Fabian's exposure to police harassment. Anthony remarked that officers from the 47<sup>th</sup> precinct were harsh in their treatment of young black boys, sometimes with deadly results. He cited the killing of Ramarley Graham, who was shot to death in 2012, at age 18, by Officer Richard Haste in the presence of Ramarley's grandmother. Reportedly, Ramarley and Fabian were friends, and so Ramarley's death had a traumatic emotional impact on Fabian.

Recently, a police departmental trial found Officer Haste guilty of misconduct in relation to the Ramarley Graham shooting death. Given the guilty finding, Officer Haste was forced to resign. News Reports indicate that the conduct of Officer Haste, and the 47<sup>th</sup> precinct in general, have stirred concern about the relationship between law enforcement and the community.

Lola and Anthony expressed that the 47<sup>th</sup> precinct's poor community interactions were not helpful to Fabian's development. According to Anthony, the police officers from the 47th Precinct knew Fabian from he was a young child attending Catholic School. However, Fabian was never assured that these officers wanted to protect him or to interact with him like role models.

### **Educational History**

Fabian began his formal education at the Immaculate Conception Catholic School in the Fall of 1993, a month shy of his 4<sup>th</sup> birthday. He attended that school until the 4<sup>th</sup> grade, when he was enrolled in New York City public schools. He attended the following public schools: PS 103, MS 144, MS 142, Aero Space Academy/High School, Wings Academy, and Coop Tech. He reportedly dropped out of school in the 11th grade. Reportedly, he achieved a GED diploma while in federal custody.

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As noted, Fabian was diagnosed/classified emotionally disturbed in June 2001, towards the end of the 6<sup>th</sup> grade, and thus received special education services. He was in special education for the 7<sup>th</sup> and 8<sup>th</sup> grades. He was returned to general education for the start of the 9<sup>th</sup> grade, September 2003. Fabian indicated that although he improved in special education, he struggled to make progress when he was returned to general education.

Lola provided school records/certificates to show that teachers were concerned about Fabian's academic skills since kindergarten. Despite this early concern, she said Fabian made a fair adjustment at Immaculate Conception Catholic School, where he was enrolled from pre-kindergarten to the 3<sup>rd</sup> grade. She reported that Immaculate provided Fabian with the structure and discipline to help him succeed. However, that was not the case when he attended public school, beginning in the 4<sup>th</sup> grade. Fabian indicates that the lack of adequate supervision and structure, and fear of victimization in the community, affected his adjustment to public school.

#### **Employment History**

After dropping out of school in the 11<sup>th</sup> grade, Fabian worked with in his father in the construction business. Anthony confirmed that Fabian worked for him constructing houses and doing renovations. He trained Fabian in carpentry and sheetrock work. According to Anthony, he was hoping that he could pass on his construction business to Fabian. He confirmed that he paid Fabian \$100 per day to assist him in the business. Anthony said that he also had a crew of three or four Mexicans to help him. He said his business fell short after he suffered a heart attack. Fabian has no other employment outside of working for his father.

#### **Physical Health History**

On January 23, 2013, at age 23, Fabian suffered a gunshot wound to his right heel. He was treated for the gunshot wound at Montefiore Hospital in the Bronx. The hospital's records (1/23/2013) indicates that the gunshot wound occurred when Fabian was driving his car in the early morning and that the wound was possibly self-inflicted. The hospital records, based on Fabian's self-reporting, did not draw the conclusion that Fabian was suicidal. However, the hospital notes indicate that Fabian was intoxicated and irritable when he arrived at the hospital for treatment. Apart from the gunshot wounds, Fabian does not indicate any other major health issues except for asthma for



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which he uses an inhaler as needed. Based on information in his educational records, he also had a history of ear infections during infancy.

### **Mental Health History**

As noted, Fabian has a childhood history of emotional disturbance, which affected his emotional, social, and intellectual development. Also, his mother had reported to a school social worker that he was hyperactive early in school. Records cited earlier suggest Fabian has had a susceptibility to anxiety, depressive moods and/or mood swings, insecurity, isolation, and other debilitating emotions. His responses to certain issues in his life also suggest susceptibility to post-traumatic stress. These issues include being bullied, interactions with his father, the self-inflicting gunshot wound, and the killing of his friend Ramarley Graham by a police officer. Noted earlier is that a school psychologist had recommended psychotherapeutic counseling for Fabian. However, Fabian does not recall a history of such therapy. Reportedly, he was recently prescribed Remeron, which is an anti-depressant drug.

### **Substance Abuse**

Fabian reported a history of marijuana use, beginning at age 13. He said that smoking marijuana relaxed him and he would use a half of his daily \$10.00 allowance, that his mother gave him to buy weed. However, once she smelled that he had been smoking she refused to give him further funds. "By then I was stuck on smoking" he remarked adding that he started to sell weed in order to support his habit. He said that the marijuana was like a gateway drug to other substances including pills and dust.

### **Criminal History**

Fabian was arrested on April 27, 2016 for the instant offense. He has been in custody since his arrest. Additionally, on December 15, 2016 he was found guilty of assaulting an officer. With regard to the second offense, Fabian maintains that while he did in fact hit the officer, this was as a result of the officer's unprovoked attack on him. He maintains that witnesses statements as well as camera footage should give credence to his position that the officer was the one who provoked the situation.

In relation to prior contact with criminal justice system, Fabian indicates regret for his actions.

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He is learning to identify the circumstances and stressors in his life that have contributed to poor choices. Unfortunately, he also has been confronted with custodial situations that have had a lingering negative influence. He recalls that he was severely beaten while in custody at Riker's Island. He said the abuse at Riker's island made him become extremely paranoid. He reportedly filed a law suit because of the beating he suffered.

### **Fatherhood**

Fabian is the father of three children. Two of his children are through the union that he has with Dominique Grant. These children are : Keylaiah Morrison (3/6/2010) and Katora Morrison (1/6/2013). Dominique Grant, his fiancée, and mother of Keylaiah and Katora, was interviewed for this report. She works at a senior citizens' home and expresses support for Fabian. She reported that she met Fabian because they lived in the same neighborhood, and his home was next door to one of her cousins. They started dating in 2008. She describes Fabian as a great father. She stated that her mother did not want her to have a child by Fabian. However, Fabian's mother allowed her to move in with the family and treated her well. She said Fabian's mother allowed her to continue with her schooling.

Fabian remarked that he wanted to become a father at 19 years old because he needed to experience a true father and child relationship. He said paranoid feelings also influenced his decision to become a father early because many of the young men in his community were being sent to prison. "I used to have nightmares about that," he remarked. He stated that unlike his own father he was involved in his children's lives, especially his older daughter whom he took to and from school. He added with a hint of satisfaction that he also combed her hair, made her lunch, and helped with her homework.

Dominique recalls that Fabian was locked up for three weeks after the birth of their second daughter, Katora. She would take both girls to visit their father while he was locked up, giving him the chance to bond with Katora and to maintain his bond with his first daughter. She recalled that when Fabian was released from the gun charge, he was constantly with his daughters as if he were making up for lost time.

Lola also confirmed that Fabian was spending most of his time at home with his daughters. She

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recalled that apart from dropping her off at work and picking her up, Fabian spent his time at home. He was re-evaluating his life and making decisions to enhance his well-being and that of his children, Lola reported. The family was despondent when Fabian was arrested in the Federal sweep, which charged over 120 African American men in the Bronx.

Aside from his two daughters, Fabian has a third child, Fabian Amir Anthony Morrison, Jr. (d.o.b. 1/14/2011) through a relationship that he had with Nadia Black. His interaction with his son whom he refers to as Amir has not been as consistent as it has been with his daughters. That is because his son and Nadia were sent down to Jamaica where they spent almost 2 years. Despite this however, according to Amir's mother, Nadia Black, Fabian has been an excellent father to their son. Nadia who was born on September 13, 1991 said that she has known Fabian from she was 17 years old. She described him as a very good person who looked out for others even more than he looked out for himself. She said that she can remember that he would cook for some of his friends who did not have a stable home like he did and to whom he would give shelter. "He would even cook dinner for them" she recalled.

According to Nadia Fabian and his son were like "Twins." She said that if Fabian bought a pair of sneakers for his son, he would buy the same for his daughters and himself. She said that he was the kind of father who would sacrifice himself to ensure that his kids had what they needed. "I miss him so much. He's a good friend who gives me good advice." She said further that she knows one of the biggest concern that he has, is to make sure that he is there to give guidance and protection to his children and particularly son whom he knows needs to have a positive male role model. "He talks about that all the time that he doesn't want him to make the same mistakes that he did."

**Current Functioning:**

Fabian has completed a number of courses as he prepares for life outside of the prison walls. He recognizes that his way of doing things in the past has contributed to his current predicament. He has successfully completed the "Breaking the Cycle" Non-Residential Drug Abuse Treatment offered by the U.S. Department of Justice. Federal Bureau of Prison. In a review of the course work that Fabian has completed, it is noteworthy that he has done a tremendous amount of self-reflection on the triggers that have fed his drug use and led to unsavory behavior and unwise decisions. He acknowledged that the he used to experience a false sense of "being alive" when he was on drugs. However, the courses

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that he has actively engaged him has allowed him to see that those feelings were a cover for the insecurities that he harbored. He said that he has now reached a level where he can put aside seeking approval and affirmation from his peers, and the need to feel popular among them.

He said that being locked up has opened his eyes to who and what matters in his life. His children are his primary concern, and when he is released his focus will be on arming himself with the tools that will allow him to provide for his family in productive pursuits. "Not selling drugs but finding a job or a career that will help me support my family" he remarked.

Another sore point in Fabian's life was the poor relationship that he had with his father. As of now there has been a marked improvement in that relationship. His father, who currently resides in Atlanta with his common law wife, Allyson Powell, has vowed to be there for his son going forward. He acknowledged that he has not been there for Fabian as he should, and attributes that in part to his own instability. However, he is now more stable and resides in a middle class development in the suburbs of Atlanta where he has a steady job. This writer has visited the home where Mr. Morrison resides and has seen the room that is reserved for Fabian whenever he cares to join his father. "He always has a home here for him and his kids," Mr. Morrison stated. The home is beautifully furnished and in a safe neighborhood.

His mother, Lola, will be retiring from North Central Hospital in 2019, after putting in 30 years as in the medical field. In preparation for her retirement, she has constructed a home in Jamaica where she plans to reside following her retirement. She will also be better positioned to provide some semblance and peace and solitude for Fabian if he so chooses as he prepares to transition back to the wider community. Fabian who has also been instrumental in assisting his mother on their trips to Jamaica as she located the property upon which to build said that he will always be there for his mother to assist in any capacity that she needs him.

#### **Mitigation Factors**

Fabian's social history yields the following mitigating factors:

- History of Emotional Disturbance
- Abandonment by Father

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- Inability of Mother to Compensate Emotionally and Economically for the Absence of a Father
- Lack of Supervision at Home, Resulting in Vulnerability to Negative/Delinquent Outside Influences
- Forced to Assume 'Man of the House' Role in Childhood
- Early Exposure to Illicit Gambling, Bars, and other Inappropriate Socialization Models.
- Early Exposure to Alcohol and Possibly Drug Abuse
- Childhood Victim of Bullying
- Environmental Pressure – Raised in communities where he was exposed to violence, drug dealing, police harassment and violence, etc.
- Devastated by Loss of Friend Unjustifiably Shot to Death by Police Officer
- Academic Failure – increases risk of susceptibility to inappropriate associations and/or means of survival
- Attachment to his Children
- Family Support
- Work History (construction):
- Possibility and Motivation for Improvement (achieved GED; learned carpentry and other construction skills)
- His guilty plea which save the government time and resources.

### **Conclusion**

Fabian Morrison was raised in a home where the discord between his parents severely affected his psychosocial development. While he was provided with all his material needs by his mother, he was denied the supervision, guidance and structure that a child requires. He was left to his own devices for much of his childhood and adolescent years. While Fabian has had brushes with the

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law, there is no suggestion in his history of an inclination to violent behavior. He cherishes a very good relationship with his children and has been described as a doting father. With the exception of an incident involving a correction officer, which he states was provoked and initiated by the officer, his institutional record has been mainly positive.

As he prepares for a life outside of the prison walls, Fabian has taken decisive and positive steps towards arming himself with the tools that can help to pave the way for a productive transition. In addition to earning his GED, he has taken steps to enroll in a collaborative program at the MDC. Additionally, he has the love and support of both his parents, and the mothers of his children to ensure that he has the stability that he will need to take positive steps in his re-entry into society. These factors will go a long way in reducing the risk of recidivism. It is hoped that in determining an appropriate sentence Fabian's complete history, inclusive of the mitigation factors as outlined will be given due consideration.

Respectfully yours

Carmeta Albarus, LCSW

(Forensic social work consultant)